

Calendar Year 2017 - Legal Expense Fund Report

Attorney General's Office

DESCRIPTION: An aggregated summary of settlements, judgments, and judgments upheld on appeal drawn against the legal expense fund from January 9 to December 31, 2017.

Please note that associated costs and litigation expenses are not included in the settlements and judgments by agency or appeal. Settlements and judgments include opposing party attorney's fees.

TOTAL LEF EXPENDITURES	TOTAL	
FY2017 Total Expenditures	\$	22,938,186.55
FY2018 (YTD) Total Expenditures	\$	21,204,161.02
Total Estimated Appeal Judgments Paid in 2017	\$	13,019,841.57
Approximate Estimated Contested Demands* (Against LEF)	\$	414,000,000.00
Total MHRA Open Cases	131	(30% of Civil Docket, Excluding Inmate Litigation)
Total MHRA Cases Filed From April - August 2017	31	(23% of MHRA Docket)

SETTLEMENTS AND JUDGMENTS BY AGENCY	PAID DATE	CASE NUMBER	DATE FILED	RESOLUTION TYPE	AMOUNT	TYPE OF CASE	NOTES
DEPARTMENT OF AGRICULTURE - MO STATE FAIR							
Jessalin Degonia v. Top Tier Promotions, et al.	8/11/2017	13PT-CC00054	2/8/2013	Settlement	\$ 525,000.00	Negligence [Personal Injury]	
				TOTAL	\$ 525,000.00		
DEPARTMENT OF CORRECTIONS							
DeAndre JeRod Cothran v. Dave Dormire, et al.	2/28/2017	6:14-cv-03267	6/3/2014	Settlement	\$ 5,000.00	Excessive Force	
ACLU v. Department of Corrections	4/26/2017	14AC-CC00458	9/2/2014	Judgment	\$ 5,645.00	Sunshine Law violation	
Lori Lynn Walker v. Department of Corrections	5/26/2017	1516-CV13245	6/23/2015	Settlement	\$ 650,000.00	MHRA -- Employment Discrimination	
Deana Cringan-Stradford v. Susan Woodrow et al	6/5/2017	2:15-cv-00076	11/4/2015	Settlement	\$ 40,000.00	42 U.S.C. 1983 -- 8th Amendment	
Mustafa A. Abdullah et al v. Department of Corrections	6/8/2017	13AC-CC00586	10/4/2013	Judgment	\$ 26,511.50	Sunshine Law violation	
Rodney Whitt v. Department of Corrections	6/21/2017	12AU-CC00089	12/14/2012	Settlement	\$ 10,000.00	MHRA -- Employment Discrimination	
Edwyn Roland v. Ian Wallace, et al.	7/24/2017	1:14-cv-00166	11/20/2014	Settlement	\$ 2,000.00	42 U.S.C. 1983 -- 8th Amendment	
H.N. Carrier v. Department of Corrections	8/11/2017	13DK-CC00078-01	11/1/2013	Settlement	\$ 80,000.00	MHRA - Employment Discrimination	
Jimmy Letterman v. William Burgess, et al.	8/11/2017	5:12-cv-06136	11/21/2012	Judgment [Appeal]	\$ 1,650,618.10	42 U.S.C. 1983 -- Wrongful Death	
Randall Jackson v. Isaac Collins, et al.	8/30/2017	2:12-cv-04018	1/6/2012	Settlement	\$ 10,000.00	Establishment clause, religious/atheism accomodation	
Ed Walzer v. Department of Corrections	9/15/2017	1616-CV03984	2/19/2016	Settlement	\$ 70,000.00	MHRA - Employment Discrimination	
Felicia Mitchell v. Department of Corrections	10/25/2017	13DU-CC00111	9/3/2013	Judgment	\$ 474,230.80	MHRA - Employment Discrimination	
Michelle Sears v. Department of Corrections	10/27/2017	16BU-CV01591	5/18/2016	Settlement	\$ 200,000.00	MHRA - Employment Discrimination	
James Hamilton v. Margaret Huff	10/13/2017	4:14-cv-00766	4/16/2014	Jury Verdict	\$ 627.20	42 U.S.C. 1983 - 8th Amendment	
Ervin Thompson v. Kyle Webb	12/11/2017	4:14-cv-01987	11/26/2014	Jury Verdict	\$ 20,000.00	42 U.S.C. 1983 -- 8th Amendment	
				TOTAL	\$ 3,244,632.60		
DEPARTMENT OF INSURANCE							
Carrie Jones v. Dept of Insurance, Financial Institutions and Professional Regulations, et a	11/28/2017	Pre-suit	Pre-suit	Settlement	\$ 375,000.00	Negligence [Personal Injury]	
				TOTAL	\$ 375,000.00		
DEPARTMENT OF NATURAL RESOURCES							
Friends for Responsible Agriculture v. Department of Natural Resources, et al.	8/4/2017	16AC-CC00070	2/25/2016	Judgment	\$ 23,707.61	Sunshine Law Violation	
Trinity Lutheran Church of Columbia, Inc v. Carol S. Comer, et al.	10/5/2017	14-1382/2:13-cv-04022	2/21/2014	Judgment	\$ 471.95	First Amendment	
Regina Gross v. Department of Natural Resources, et al.	10/27/2017	15LA-CC00028	4/17/2015	Settlement	\$ 80,000.00	Negligence	
Ralph Casias et al v. Department of Natural Resources, et al.	12/20/2017	1611-CC00868	9/21/2016	Settlement	\$ 764,418.00	Negligence	
				TOTAL	\$ 868,597.56		
DEPARTMENT OF HEALTH AND HUMAN SERVICES							
Planned Parenthood of Kansas and Mid-Missouri, et al. v. Peter Lyskowski, et al.	9/15/2017	2:15-cv-04273	11/29/2015	Settlement	\$ 178,630.68	42 U.S.C. 1983 -- Procedural Due Process, Equal Protection	
				TOTAL	\$ 178,630.68		
HIGHER EDUCATION INSTITUTIONS							
Steven Palazzolo v. Harris Stowe State University	6/5/2017	4:16-cv-00826	6/9/2016	Settlement	\$ 49,500.00	MHRA - Employment Discrimination	
Jonathan S. Kelley v. Missouri Western State University	6/29/2017	Pre-suit	5/8/2013	Settlement	\$ 85,823.02	MHRA - Employment Discrimination	[Reimbursement for 2014 Settlement]
Beverly Wilkins v. Board of Regents of Harris Stowe State University	7/31/2017	1222-CC09117/ED104354	6/28/2012	Judgment [Appeal]	\$ 5,569,223.47	MHRA - Employment Discrimination	
Dr. Dam Ho Lee v. Northeast Missouri State University	11/17/2017	Pre-suit	Pre-suit	Settlement	\$ 150,000.00	Wrongful Death	
Michael Barrett, et al. v. Donald Claycomb, et al.	12/20/2017	2:11-cv-04242	9/14/2011	Judgment	\$ 223,939.53	Civil Rights Violation	
				TOTAL	\$ 6,078,486.02		
DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS							
Lucinda Guthrie v. Larry Rebman, et al.	10/25/2017	14AC-CC00297	6/9/2014	Settlement	\$ 616,110.16	MHRA - Employment Discrimination; Personal Injury	
				TOTAL	\$ 616,110.16		
MEDICAL MALPRACTICE CLAIMS PURSUANT TO 105.711.2							
Byers and Butler v. Freeman Health Center	7/14/2017	14AO-CC00076	3/7/2014	Settlement	\$ 1,750,000.00	Medical Malpractice	
Kaysen Major, et al. v. Truman Medical Center	12/20/2017	1616-CV20618	8/25/2016	Settlement	\$ 500,000.00	Medical Malpractice	
				TOTAL	\$ 2,250,000.00		

DEPARTMENT OF MENTAL HEALTH							
Marilyn Helena v. Southeast Missouri Mental Health, et al.	9/29/2017	16SF-CC00123	7/9/2016	Settlement	\$	32,500.00	MHRA - Employment Discrimination
Jonathan Dovin v. Dr. Veera Reddy, et al.	9/29/2017	4:15-cv-01259	8/14/2015	Settlement	\$	1,000.00	Eighth and Fourteenth Amendment
Sheela Simone v. Department of Mental Health, et al.	12/26/2017	16BU-CV03208	9/21/2016	Settlement	\$	42,500.00	MHRA - Employment Discrimination
					TOTAL	\$ 76,000.00	

MISSOURI STATE HIGHWAY PATROL							
William and Sharon Senf v. Missouri State Highway Patrol, et al.	1/27/2017	14TE-CC00043	2/6/2014	Settlement	\$	90,038.61	Personal Injury [Medicare Lien]
Bradley & Denise Freidel v. Missouri State Highway Patrol, et al.	5/3/17 and 7/12/17	15RA-CV01160	11/9/2015	Settlement	\$	4,300,000.00	Negligence [Personal Injury]
Monica and Terry Ford v. Missouri State Highway Patrol, et al.	5/5/2017	16LA-CC00066	7/27/2016	Settlement	\$	315,000.00	Negligence [Personal Injury]
Gail Ritter v. Missouri State Highway Patrol, et al.	5/9/2017	6:14-cv-03372	8/27/2014	Settlement	\$	40,000.00	Fourth and Fourteenth Amendment
SWIISH, et al. v. Missouri State Highway Patrol, et al.	5/26/2017	14SL-CC03657-01	3/2/2015	Settlement	\$	3,250.00	Inverse Condemnation
Craig Ellingson et al v. Missouri State Highway Patrol, et al.	6/29/17 and 7/14/17	14AC-CC00635	12/5/2014	Judgment	\$	33,147.33	Sunshine Law Violation
Jacob Freed v. Missouri State Highway Patrol, et al.	8/17/2017	1616-CV21344	9/2/2016	Settlement	\$	237,500.00	Negligence [Personal Injury]
					TOTAL	\$ 5,018,935.94	

OFFICE OF STATE COURTS ADMINISTRATOR							
B.A. v. 2nd Judicial Circuit, et al.	12/5/2017	2:16 -cv-0072	10/11/2016	Settlement	\$	600,000.00	42 U.S.C. 1983 -- Sexual Assault
Jill Clark v. 16th Judicial Circuit Court	12/5/2017	1616-CV10715	5/3/2016	Settlement	\$	215,000.00	MHRA - Employment Discrimination
					TOTAL	\$ 815,000.00	

DEPARTMENT OF SOCIAL SERVICES							
Ginger Brown v. Christine Black, et al.	3/3/2017	11SF-CC00131	6/14/2011	Settlement	\$	2,000,000.00	Negligence [Personal Injury]
Kevin Richards v. Department of Social Services, et al.	3/8/2017	14BA-CV00891	3/14/2014	Settlement	\$	60,000.00	MHRA - Employment Discrimination
Gretchen Kalbac v. Department of Social Services, et al.	3/31/2017	4:16-cv-01194	11/7/2016	Settlement	\$	15,000.00	MHRA - Employment Discrimination
Endless Care Home Health Services v. Department of Social Services, et al.	10/27/2017	16AC-CC00449	10/24/2016	Judgment	\$	44,673.47	Attorney Fees for Wrongful Enforcement
Robin Martin v. Department of Social Services, et al.	12/20/2017	1616-CV26293	10/30/2016	Settlement	\$	8,000.00	MHRA - Employment Discrimination
					TOTAL	\$ 2,127,673.47	

JUDGMENTS AFFIRMED ON APPEAL (Affecting LEF)	PAID DATE	CASE NUMBER	DATE FILED	RESOLUTION TYPE	AMOUNT	TYPE OF CASE	NOTES
Beverly Wilkins v. Board of Regents of Harris Stowe State University	7/31/2017	1222-CC09117/ED104354	6/28/2012	Judgment [Appeal]	\$ 5,569,223.47	MHRA - Employment Discrimination	
Patricia Rowe Kerr v. Missouri Veterans Commission, et al.	[Not Paid Yet]	11AC-CC00436/WD80274	7/1/2011	Judgment [Appeal]	\$ 4,300,000.00	MHRA - Employment Discrimination	
Debra Hesse v. Missouri Department of Corrections, et al.	[Not Paid Yet]	1416CV07836/WD79809	4/3/2014	Judgment [Appeal]	\$ 1,500,000.00	MHRA - Employment Discrimination	
Jimmy Letterman v. William Burgess, et al.	8/11/2017	5:12-cv-06136	11/21/2012	Judgment [Appeal]	\$ 1,650,618.10	42 U.S.C. 1983 -- Wrongful Death	
					TOTAL	\$ 13,019,841.57	

ANTICIPATED JANUARY 2018 LEF PAYMENTS	PAID DATE	CASE NUMBER	DATE FILED	RESOLUTION TYPE	AMOUNT	TYPE OF CASE	NOTES
Patricia Rowe Kerr v. Veterans Commission, et al.	[Not Paid Yet]	11AC-CC00436/WD80274	7/1/2011	Judgment [Appeal]	\$ 4,300,000.00	MHRA - Employment Discrimination	
Debra Hesse v. Department of Corrections, et al.	[Not Paid Yet]	1416-CV07836/WD79809	4/3/2014	Judgment [Appeal]	\$ 1,500,000.00	MHRA - Employment Discrimination	
Alfreida Allen, et al. vs. City of St. Louis, et al.	[Not Paid Yet]	4:14-cv-01398	8/12/2014	Settlement	\$ 3,500,000.00	Wrongful Conviction (George Allen)	Total Settlement: \$13,825,000.00 (by 2022)
Lucinda Guthrie v. Department of Labor and Industrial Relations, et al.	[Portions Not Paid Yet]	14AC-CC00297	6/9/2014	Settlement	\$ 483,889.84	MHRA - Employment Discrimination; Personal Injury	
Ashley N. Daly v. City of St. Louis, et al.	[Not Paid Yet]	4:16-cv-01686	10/28/2016	Settlement	\$ 7,500.00	42 U.S.C. 1983 - Civil Rights Violation	
Becky L. Houf v. Department of Social Services, Children's Division	[Not Paid Yet]	12AC-CC00815	12/14/2012	Settlement	\$ 15,000.00	MHRA - Employment Discrimination	
Lana Richmond v. Board of Regents, Southeast Missouri State University	[Not Paid Yet]	1:17-cv-00044	3/15/2017	Settlement	\$ 90,000.00	MHRA - Employment Discrimination	
					TOTAL	\$ 9,896,389.84	

PENDING APPEALS OF ADVERSE JUDGMENTS	PAID DATE	CASE NUMBER	DATE FILED	RESOLUTION TYPE	AMOUNT	TYPE OF CASE	NOTES
Rita Terpstra v. Missouri Department of Labor and Industrial Relations, et al.	N/A	12AC-CC00035/WD80967	1/19/2012	Judgment [Appeal]	\$ 1,046,562.30	MHRA - Employment Discrimination	
Matthew Vacca v. Missouri Dept. of Labor & Industrial Relations, et al.	N/A	ED104100/1222-CC09851	9/28/2012	Pending Appeal	\$ 4,000,000.00	MHRA - Employment Discrimination	
Antoine Moody v. Kansas City Board of Police	N/A	WD80194/SC96859	11/4/2016	Pending Appeal	\$ 400,000.00	Civil Judicial Action	
Richard Dixon v. Missouri Department of Corrections, et al.	N/A	1616-CV20665	8/25/2016	Pending Appeal	\$ 1,480,000.00	MHRA - Employment Discrimination	Attorney's Fees Forthcoming
Ecclesiastical Denzel Washington v. Larry Denney, et al. (Department of Corrections)	N/A	5:2012CV06039	3/28/2012	Pending Appeal	\$ 261,581.02	42 U.S.C. 1983 - 8th Amendment	
Patricia Daniels v. Missouri Department of Social Services, et al.	N/A	1516-CV24116/WD81332	11/11/2015	Pending Appeal	\$ 4,615,417.77	MHRA - Employment Discrimination	
Mike McClure v. Jason Friday [Kansas City Police Department]	N/A	1416-CV28741 // WD80194	12/8/2014	Pending Appeal	\$ 680,734.18	Negligence [Wrongful Death]	
					TOTAL	\$ 12,484,295.27	

*Approximate estimated contested demands in pending claims for which legal expense fund coverage may be sought is \$414mm. This estimate reflects an aggregation of current judgments on appeal, demands made by plaintiffs, and reaosnable estimates of amounts that plaintiffs may demand in cases where no demand has yet been made. All amounts are contested. The Attorney General's Office does not express an opinion about the likelihood that any plaintiff will prevail on any claim reflected in the approximate contested demands. Lawsuits served within thirty days before this report are not reflected in this estimate. In addition, the estimate does not reflect cases handled exclusively by the Office of Administration pursuant to its delegation of authority.